

REMARKS

Claims 1-16 are pending in this application, of which claims 1, 7-8, 10, 12-13 and 15-16 have been amended. No new claims have been added.

Claims 1-2, 7-11 and 13-16 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,528,360 to Kohno (hereafter, "**Kohno**").

Applicant respectfully traverses this rejection.

Kohno discloses a surface-condition inspection apparatus which performs beam scanning to accompany the rotation of a polygonal mirror for scanning while projecting two light beams having different incident angles onto the polygonal mirror, and simultaneously illuminating positions having the same shape on patterns having the same shape on a reticle by two light beams reflected by the polygonal mirror. Light beams from the respective irradiated points are separately detected and compared with each other, whereby the presence of a foreign-particle or the like is inspected.

The Examiner has cited FIG. 1 and column 1, lines 16-25, among other things, for teaching that the evaluation patterns are found in Area B which is different from Area A, which is the exposure area.

Applicant respectfully disagrees. Column 5, lines 4-6 disclose that "chip patterns for transfer having the same shape are formed onto regions A and B in order to simultaneously produce the same chips." Thus, there is no distinction disclosed in **Kohno** between the "device patterns formed in the exposure area" and the "evaluation pattern formed in an area different

from said exposure area,” as recited in claims 1, 7 and 13.

In the present invention, a reticle or a reticle to be inspected includes: a device pattern formed in an exposure area; and evaluation pattern(s) having a different shape than the device pattern, and having a defect for evaluating transferability onto a transfer target of any defect.

According to the present invention, when any defects are detected in an exposure area of the reticle, it is possible to comparatively observe the detected defects and the evaluation pattern under the same inspection wavelength, which allows an exact judgment of whether the detected defects are adversely affective to transfer the device pattern or not, and consequently allows an exact judgment of necessity of the correction of the detected defects.

On the other hand as stated above, column 5, lines 4-6 of Kohno disclose chip patterns for transfer having the same shape are formed on regions A and B in order to produce the same chips. In Kohno, by simultaneously illuminating positions having the same shape on patterns formed on regions A and B by light beams, and comparing output signals in accordance with the reflected (or scattered) light beams, the presence of foreign matter or a defect is detected.

Further, in the present invention, an absolute comparison between the defect detected in an exposure area and the defect of evaluation pattern is performed, which allows an exact judgment of whether the detected defect is adversely affective to transfer of the device pattern or not.

On the other hand, in Kohno the presence of foreign matter or defect is detected by relatively comparing the patterns having the same shape formed on regions A and B. However,

Kohn fails to disclose enabling a judgment as to whether or not the detected defect will adversely affect transfer of the chip pattern.

Thus, the 35 U.S.C. § 102(b) rejection should be withdrawn.

The Examiner has indicated that claims 3-6 and 12 would be allowable if amended to be in independent form. Applicant respectfully defers this action until a FINAL Office Action, if any, is received.

In view of the aforementioned remarks, claims 1-16 are in condition for allowance, which action, at an early date, is requested.


If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/709,244
Response to Office Action dated April 21, 2006

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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